

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

541314

PCT/DE2003/004118



Applicant's or agent's file reference PI/Br 00699-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/004118	International filing date (day/month/year) 19 December 2003 (19.12.2003)	Priority date (day/month/year) 09 January 2003 (09.01.2003)
International Patent Classification (IPC) or national classification and IPC B60J 7/14		
Applicant WILHELM KARMANN GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
 These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 07 September 2004 (07.09.2004)	Date of completion of this report 02 September 2005 (02.09.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/004118

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-13 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 1-11 _____, filed with the letter of _____ 07 September 2004 (07.09.2004)
- ☒ the drawings:
 pages _____ 1/12-12/12 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: DE 101 59 390 C (CTS FAHRZEUG DACHSYSTEME GMBH)
21 November 2002 (2002-11-21)

2. The present application meets the requirements of PCT Article 33(1) because the subject matter of claim 1 is novel, involves an inventive step and is industrially applicable (PCT Article 33(2) to (4)).

2.1 D1 is considered the prior art closest to the subject matter of claim 1. D1 discloses the preamble of claim 1 - see column 4, lines 11-21 and column 5, lines 29-31 (the references in parentheses relate to said document):

- cabriolet vehicle with a roof (1) comprising at least two displaceable units (2, 3) each displaceably retained on main bearings fixed to the chassis and associated with at least one rigid roof section (2, 3), wherein a rear, rigid roof section (2) comprising a rear window is connected via a multi-part articulated chain (6) to a main bearing (14b, 15b) and wherein a part (8, 13) of the articulated chain causes at least a movement of the rigid roof section (2) relative

to the main bearing (14b, 15b) and a part (12, 16) of the articulated chain causes at least an alteration in the angular position of the rigid roof section (2), enabling the leading edge of the rear roof section (2) to be pivoted upwards when the roof begins to be opened.

The subject matter of claim 1 differs therefore from the known roof in that

- at the same time, a front roof section can be displaced towards the rear so as to concertina the roof sections.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

- 2.2 The problem addressed by the present invention can therefore be considered that of reducing the time it takes to open a roof provided with a plurality of separate displaceable units.

The solution to this problem proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:
A multi-part articulated chain which controls the movement of the rear roof section in such a way as to enable the front roof section to be displaced rearwards, thereby bringing about a concertina effect, is neither known nor suggested by the available prior art.

3. Claims 2-11 are dependent on claim 1 and therefore likewise meet the PCT novelty and inventive step requirements.
4. The subject matter of the claims relates to a motor vehicle roof and is industrially applicable, for

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example, in cabriolet vehicles.